

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

GREAT LAKES INSURANCE SE,	)
	)
Plaintiff,	)
	) Case No. CIV-22-00702-JD
vs.	) Judge Jodi W. Dishman
	)
FREDY VALLE d/b/a VALLE	)
TRUCKING;	)
SILVER STAR CONSTRUCTION	)
COMPANY, INC.;	)
TYLON MACKEY;	)
ISRAEL JUAREZ;	)
ORD TRUCKING, INC.	)
ZURICH AMERICAN INS. CO.,	)
	)
Defendants,	)
	)
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ZURICH AMERICAN INS. CO.,	)
	)
Defendant/Third Party	)
Plaintiff,	)
	)
vs.	)
	)
PROGRESSIVE NORTHERN INS.	)
CO.,	)
	)
Third-Party Defendant.	)

**PLAINTIFF'S RESPONSE TO ZURICH AMERICAN INS. CO.' MOTION FOR  
SUMMARY JUDGMENT**

Plaintiff Great Lakes Insurance SE (“Plaintiff,” or “Great Lakes”) hereby responds to the Motion for Summary Judgment filed by Defendant Zurich American Ins. Co. (“Defendant” or “Zurich”)(Dkt. 92). Plaintiff does not object to the requested relief sought

in Zurich's Motion and the "Statement of Undisputed Facts." Great Lakes reserves the right to object should Zurich's attempt to use the facts and evidentiary materials in the Motion at a later trial on the merits against Great Lakes to the extant applicable under the rule established in *Messler v. Simmons Gun Specialties, Inc.*, 1984 OK 35, 687 P.2d 121, 127-28; *see also Barringer v. Baptist Healthcare of Oklahoma*, 2001 OK 29, ¶ 13, 22 P.3d 695, 699. In filing this Response, Plaintiff therefore reserves the right to dispute the facts asserted in Zurich's Motion at trial, to the extent necessary and applicable to Plaintiff's defense and prosecution of this matter.

Respectfully submitted,

/s/ Emily E. Allan  
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*Attorneys for Plaintiff*

**CERTIFICATE OF FILING**

I hereby certify that on December 12, 2023 I electronically filed the foregoing Response Motion for Summary Judgment to the Clerk of the U.S. District Court, Western District of Oklahoma, using the electronic case filing system of the Court.

By: /s/ Emily Allan

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